

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No. 09/440,690

**REMARKS**

Claims 1-9, 11-20 and 22-26 are all the claims pending in the application. This Amendment amends claims 1 and 14, adds claims 23-26, and addresses each point of rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

Applicant thanks the Examiner for indicating that claims 15-20 are allowed.

Claims 1-9, 11-14 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson in view of Shimizu, and further in view of Pearse.

Independent claims 1 and 14 are amended herein. In view of the claim amendments and the explanation below, reconsideration and withdrawal of the § 103(a) rejection are requested.

**U.S. Patent 6,052,512 to Peterson et al.**

Peterson *et al.* discloses an adaptive computer-assisted training system designed to promote student development by tailoring the stimuli provided to students. *See Abstract.* A supervisor (*i.e.*, human) remotely monitors student progress. *See column 1, lines 51-55; see also column 3, lines 10-16.* Such supervision includes monitoring performance of a student in terms of correctly performing tasks specified by the computer-assisted teaching system and maintaining a prescribed schedule. *See column 1, lines 31-34.* Peterson indicates that such computer-assisted teaching systems are tackling larger developmental challenges “to the point at which supervision of a human teacher, supervisor, or clinical psychologist is required.” Column 1, lines 27-31. Data provided to the supervisor includes the amount of time a student played the subject category (column 6, lines 48-50), and the date on which the student started using the subject version (column 7, lines 2-5). Analysis tools provide the supervisor with schedule reports from which the supervisor can verify that the student is using the teaching process as much as prescribed and is therefore likely to obtain the full benefit. *See column 12, lines 20-24.* From these reports, the supervisor can also determine if the student is failing to keep up with the prescribed schedule of use. *See column 12, lines 28-28.*

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### U.S. Patent 6,002,915 to Shimizu

Shimizu discloses a management system which manages reservation conditions including reservations of lectures inputted from users through their terminals and service resources including teaching subjects, teaching hours and the like. *See column 1, lines 48-54.* A teaching affairs management system registers information on teaching subjects, teaching schedules and teachers, a reservation management system which provides a trainee with the information registered in the teaching affairs management system when the trainee requests the system to reserve a lecture. *See column 2, lines 3-11.* The lecture reservation management system manages date and hour information, teachers and curriculums. *See column 3, lines 4-5.* As shown in Fig. 7A, the trainee can book a lecture by using date and hour, curriculum and /or teacher as a key word or key words. *See column 4, lines 2-4; see also column 4, lines 20-22.* Each trainee can book lectures in on-line based on the teaching affairs information, and then, the system can automatically make lecture distribution, etc., by collating the lectures booked by the trainees with the teaching affairs information, *See column 5, lines 18-28.*

### U.S. Patent 5,270,920 to Pearse et al.

Pearse *et al.* discloses an expert system scheduler for flexibly scheduling training events. *See column 1, lines 31-33.* The scheduler generates a master plan in response to training requests supplied by users (*i.e.*, administrators; instructors). *See column 1, lines 45-47.* The master plan specifies target dates for each training event. *See column 1, lines 47-51.* In response to user's training requests, the expert scheduler delivers earliest opportunity schedules which satisfy allocation policies under limited resource availability. *See column 3, lines 63-66.* Users may adjust starting, interim, and ending training dates in order to express preferred scheduling constraints. *See column 1, lines 59-62; see also column 4, lines 16-37.* The expert system automatically generates schedule revision options in response to the revised training requests. *See column 2, lines 3-7.* The system matches student training requirements with available instructors, and considers student availability for training and priority for training in matching students and training events. *See column 7, lines 2-3 and 20-22; see also column 10, lines 8-10 and Fig. 2 ("Step 2: Specify and Interrogate Student Availability").*

**Analysis**

Applicants have amended independent claims 1 and 14 to further describe the first and second units. The computer asks the trainee both the length of time in which the trainee wishes to complete the course, and the time periods (*i.e.*, increments of time) the student would like to spend each day. The claim amendments include:

- requesting a trainee to specify a length of time within which the trainee selects to complete the training course;
  - defining requesting the trainee to specify first time units that represent increments of time periods which [[a]] the trainee specifies to selects to spend on [[a]] the training course within said length of time;
  - defining second time units that differ from the first time units and represent increments of time periods required by the trainee to actually execute the training units of the training course;

Therefore, the first time units are related not only to a trainee preference with regard to the time periods available for study, but also to a preferred duration for the course. This is different from the student selecting lectures by desired date and hour in Shimizu, and the scheduling system in Pearse.

Additionally, regarding dependent claims 2, 5, 6, and 11, Applicants offer the following further remarks.

With regard to monitoring, in general, human monitoring is an object of the invention in Peterson *et al.* From the status reports provided to the human supervisor, the supervisor reviews specific aspects of the student's use of the teaching process, and prescribes and effects specific changes in the behavior of the teaching process to more effectively promote the development of the student. *See* column 14, lines 41-46. Even if a computer were used to automatically fulfill this role, neither Peterson, Shimizu, and Pearse suggest the concept of not just affecting the teaching process, but attempting to have a computer independently motivate (*i.e.*, enforce/coerce) a trainee; *e.g.*, in a self-study situation adapted to a student's schedule.

Specifically, even if an AI were used to adapt the curricula in Peterson *et al.* without intervention of a human supervisor, there still is no suggestion of the enforcement/motivational elements required in claims 2, 5, 6, and 11, which are directed to the computer trying to assure that the trainee adheres to the training course. Even if a schedule, course information, etc. were provided to a trainee electronically (*e.g.*, automatically by the computer), this is conceptually different from the computer attempting to control the behavior of the trainee. Thus, Applicants respectfully submit that attempting to automatically and actively *enforce* the schedule is not suggested in Peterson, Shimizu, and/or Pearse.

**New Claims**

Applicants add new claims 23-26. No new matter is added. Claims 23 and 24 depend from claim 1, further defining the claimed embodiment. Claims 25 and 26 are a new set of claims describing another embodiment of the invention for defining the first time units. Entry and consideration are requested.

**Conclusion**

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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